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Jeyhan Karaoguz

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EXAMINER

MENDOZA JR, JORGE

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,358

Applicant(s)

KARAOGUZ ET AL.

Examiner

JORGE MENDOZA JR

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims **1-38** are presented for Examination.
2. Claim **33** has been amended.

Response to Arguments

3. Applicant's arguments filed **05/09/2008** have been fully considered but they are not persuasive with respect to Claims **1-38**.
4. Applicant argues that rejection relying on **Finseth et al. (US Patent 6,813,775 B1)** in view of **Brown (US Patent No. 5,857,190)** does not anticipate Claim **1** and fails to describe, teach, or suggest the claimed *"notifying the at least a second user, via the communication network, of the consumption of the requested media by the first user, if the pre-defined characteristics for the requested media matches the at least one user-selected characteristic; and refraining from notifying the at least a second user, via the communication network, of the consumption of the requested media by the first user, if the pre-defined set of characteristics for the requested media does not match the at least one user-selected characteristic"*. The Examiner respectfully disagrees.

The Finseth et al. reference has been relied upon to teach a method of transmitting a select portion of first viewer preference information to a second user in a memory of a second user device, whereby a user can control the type & the amount of preference information to share with others (*Abstract; col.2, lines 25-30; col.12, lines 30-45; col.15, lines 52-65*). Specifically, Finseth et al. teach that the delivery of viewing preference information from a 1st user to a 2nd user occurs only if the characterizing information

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from the associated program guide matches that of the media characteristics chosen by a 1st user (*col.12, lines 30-45; col.15, lines 52-65*).

Finseth et al. particularly point out that a users viewing history (at a 1st location) is tracked- storing such characterizing information as category descriptors that identify the type and category of the television program, name descriptors that identify the name of the program selected, credits information that identify the names/roles of those involved in the production of the media, keywords/phrases in the description of the program, and attributes indicating particular series (*col.10, lines 25-46*). Furthermore, Finseth et al. teach that a user is able to select which information to send to a 2nd location and whether or not to make this process automated, thereby allowing the system to automatically send the appropriate view preference information matching user selected characteristics and refrain from sending those that do not (*col.15, lines 51-65; col.16, lines 29- 38*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 11-15, & 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Finseth et al. (US Patent No. 6,813,775)** in view of **Brown (US Patent No. 5,857,190)**.

With respect to Claim 1, the claimed *"accepting from a first user information identifying at least a second user"* is met by Finseth et al. that teach the ability of a 1st user to designate a 2nd user to which viewer preference profiles may be sent to (Fig. 7 & 9; Abstract; col.1, lines 44-46; col.2, lines 6-7; col.12, lines 24-28; col.15, lines 6-11). The claimed *"receiving from the first user at least one user-selected characteristic associated with media"* is met by Finseth et al. that teach the selection of specific media characteristics associated with media, such as that found on a conventional program guide 88A, to be included in viewing preference information to be shared with a 2nd user (col.9, lines 28-32; col.10, lines 25-35; col.12, lines 30-41; col. 15, lines 52-65).

The claimed *"processing a media request from the first user via a communication network, the requested media having a pre-defined set of characteristics"* is met in part by Finseth et al. that teach the selections by a 1st user, via a receiver 64, of media programs - whereby each media program selected has characterizing information from the associated program guide (col.10, lines 13-24). The Finseth et al. reference is silent on the requesting of media. However, in the same field of endeavor, Brown teaches the requesting of any number of services, including: programs, video-on-demand, an electronic programming guide (EPG), shopping services, banking services, and the like via an interactive distribution network structure [28] (col.1, lines 21-37; col.4, lines 46-51).

It would have been obvious to one skilled in the art, at the time of the invention, to have combined the system for sharing viewer preference information of the Finseth et al. reference with that of the event logging system of the Brown reference in order to permit a user to share with other users, via viewer preference information, of the

requesting of interactive services. A person of ordinary skill in the art would have been motivated to make such a modification to the Finseth et al. reference in order to provide a more complete and accurate record of viewer preference information.

The claimed *"notifying at least one a second user, via the communication network, of the consumption of the requested media by the first user, if the pre-defined set of characteristics for the requested media matches the at least one user-selected characteristic"* is met by Finseth et al. that teach the delivery of viewing preference information from a 1st user to a 2nd user, via telephone lines or the Internet, only if the characterizing information from the associated program guide matches that of the media characteristics chosen by a 1st user to be sent to a 2nd user (*col.12, lines 30-45; col.15, lines 52-65*).

The claimed *"refraining from notifying the at least a second user, via the communication network, of the consumption of the requested media by the first user, if the pre-defined set of characteristics for the requested media does not match the at least one user-selected characteristic"* is met by Finseth et al. that teach the non-transmittal of the portion of the viewing preference information in which the characterizing information from the associated program guide does not match that of the media characteristics chosen by a 1st user (*col.12, lines 30-45; col.15, lines 52-65*).

With respect to Claim 2, the claimed *"wherein each of the first user and the at least a second user are associated with one or more of an Internet protocol (IP) address, a media access control (MAC) address, and/or an electronic serial number (ESN)"* is met in part by Finseth et al. that teach the use of the Internet in allowing the

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sharing of viewer preference information from a 1st user to a 2nd user or from a server to a plurality of users, whereby receivers are specifically addressed (*col.12, lines 42-45; col. 14, lines 40-43*). Even though the Finseth et al. reference is silent with respect to the association of a 1st and 2nd user with an IP address, the Examiner takes OFFICIAL NOTICE that it is notoriously well known in the art the use of an IP address to selectively address set top boxes in an Internet communication network for accurate routing and directing of data.

With respect to Claim 3, the claimed *"wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure"* is met by Finseth et al. that teach the transmittal of viewing preference information from a 1st user to a 2nd user via telephone lines or the Internet (*col.12, lines 42-45*).

With respect to Claim 4, the claimed *"wherein the communication network is the Internet"* is met by Finseth et al. that teach the use of the Internet in the transmittal of viewing preference information from a 1st user to a 2nd user via telephone lines or the Internet (*col.12, lines 42-45*).

With respect to Claim 5, the claimed *"wherein the requested media comprises one or more of audio, a still image, video, real time video, and/or data"* is met by Finseth et al. that teach the selection of media by a user, whereby the media consists of audio, video, and data signals (*col.7, lines 19-20 & 54-55; col.10, lines 16-18*).

With respect to Claim 6, the claimed *"wherein consumption comprises one or more or playing audio, displaying a still image, displaying video, and/or displaying data"* is met by Finseth et al. that teach the use of a television for the displaying of media content (Fig.3; col.7, lines 19-27 & 64-67; col.8, lines 49-52).

With respect to Claim 7, the claimed *"wherein the information identifying at least a second user comprises at least one or more of a legal name, a given name, a screen name, a user identifier, a network identifier, an Internet protocol (IP) address, a media access control (MAC) address, and/or electronic serial number"* is met by Finseth et al. that teach the use of a name, telephone number, or internet address in designating a 2nd user to receive viewing preference information from a 1st user (Fig.7 & 9; col.12, lines 25-29; col.15, lines 6-11).

With respect to Claim 8, the claimed *"wherein the at least one user-selected characteristic comprises one or more of a title keyword, a subject keyword, a time period, a genre, an artist, a media channel type, a mode and/or a language"* is met by Finseth et al. that teach the ability of a 1st user to specifically select contents from its history table to be sent to a 2nd user, where contents consist of information such as genre, title keyword, keywords, etc. (col.10, lines 25-36; col. 51-65).

With respect to Claim 9, the claimed *"wherein the notifying comprises transmitting a message via the communication network"* is met by Finseth et al. that teach the transmittal of viewing preference information from a 1st user to a 2nd user via telephone lines or the Internet (col.12, lines 42-45).

Claim 11 is met as previously discussed with respect to Claim 1. In addition, Finseth et al. teach the identification of individual users interacting with receiver, 64 (col.11, lines 2-11).

Claim 12 is met as previously discussed with respect to Claim 5.
Claim 13 is met as previously discussed with respect to Claim 8.
Claim 14 is met as previously discussed with respect to Claim 8.
Claim 15 is met as previously discussed with respect to Claim 3.

Claim 24 is met as previously discussed with respect to Claim 1.
Claim 25 is met as previously discussed with respect to Claim 2.
Claim 26 is met as previously discussed with respect to Claim 3.
Claim 27 is met as previously discussed with respect to Claim 4.
Claim 28 is met as previously discussed with respect to Claim 5.
Claim 29 is met as previously discussed with respect to Claim 6.
Claim 30 is met as previously discussed with respect to Claim 8.
Claim 31 is met as previously discussed with respect to Claim 9.

7. Claims 16–23 & 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (US Patent No. 7,065,778) in view of Finseth et al. (US Patent No. 6,813,775)

With respect to Claim 16, the claimed *"the system comprising: a first storage, at a first location, having an associated first network address; a first set top box circuitry at the first location, the first set top box circuitry communicatively coupled to the first storage to support consumption of media by a first user"* is met by Lu that teaches the use of a personalized video recorder (PVR) 200 at a first location, having a usable mass

data storage device 218, a display device 212 for displaying video and/or graphics, and an associated IP address (*Fig.2 & 3; col.5, lines 26-35; col.6, lines 17-21; col.10, lines 10-15*).

The claimed *"a second storage, at a second location, having a second network address; a second set top box circuitry at the second location, the second set top box circuitry communicatively coupled to the second storage to support consumption of media by a second user"* is met by Lu that teaches the use of a 2nd personalized video recorder (PVR) 200A/B at a second location having similar components as that of PVR 200, as discussed above.

The claimed *"at least one media characteristic associated with the second user"* is met in part by Lu that teaches the association of a second PVR 200A/B with the television shows being broadcasted by a corresponding television content provider, television head-end 308, via an electronic programming guide (*Fig.3; col.6, lines 43-54*). Additionally, in the same field of endeavor, Finseth et al. teach the transmittal of a plurality of information, via a programming guide, including a program title, channel names, channel numbers, & icons (*col.9, lines 28-32; col.10, lines 25-35*). It would have been obvious to one skilled in the art to have combined the system taught by Lu with that of the system taught by Finseth et al. in order to provide a suitable manner in which to associate media programs being transmitted to a plurality of users by way of the programming guide information contained within it. A person of ordinary skill in the art would have been motivated to have made such a modification to the Lu et al. reference in order to allow for a more accurate method of determining the media programs being presented to a plurality of 2nd users.

The claimed *"server software that receives a request that identifies at least the associated first network address and media having at least one pre-defined characteristic, and that notifies, via a communication network, the associated second network address if the at least one media characteristic matches the at least one pre-defined characteristic"* is met by Lu that teaches the use of a PVR 200, having an associated IP address, in requesting a specific television show via an EPG server computer 304, and the subsequent notification to an appropriate PVR 200A/B to which the requested television program will be broadcasted to in the event the specific requested television show matches the television programs being broadcasted to PVR 200A/B (Fig.3 & 5; col.col.6, lines 32-55; col.9, lines 8-20).

With respect to Claim 17, the claimed *"wherein the media comprises one or more of audio, a still image, video, real time video, and/or data"* is met by Lu that teaches the use of any type of media content, such as - audio, video, graphics, information, data, software, and/or the like (col.7, lines 25-28; col.11, lines 4-7).

With respect to Claim 18, the claimed *"wherein the associated first and second network addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN)"* is met by Lu that teaches the use of network addresses in the form of Internet protocol (IP) address (col.10, lines 10-15,31-38).

With respect to Claim 19, the claimed *"wherein consumption comprises one or more of playing audio, displaying a still image, displaying video and/or displaying data"*

is met by Lu that teaches the use of a display device 212 in displaying video and/or graphics (*Fig.2; col.6, lines 21-28*).

With respect to Claim **20**, the claimed *"wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure"* is met by Lu that teaches the use of a communication network in the form of Internet 302, wired and/or wireless infrastructure (*col.6, line 62 - col.7, line 8*).

With respect to Claim **21**, the claimed *"wherein the server software is at a location separate from the first location and the second location"* is met by Lu that teaches an EPG server 304 at a location separate from the first location, PVR 200 and the second location, PVR 200A/B (*Fig.3; col.6, lines 33-50*).

With respect to Claim **22**, the claimed *"wherein the at least one media characteristic comprises one or more of a title keyword, a subject keyword, a genre, an artist, a time period, a media channel type, a mode, and/or a language"* is met by Finseth et al. that teach that the information included in an EPG, for the media programs being transmitted to a plurality of 2nd users as in the system presented by Lu, can consist of program titles, channel names, channel numbers, channel icons, etc. (*col.9, lines 28-32*).

With respect to Claim **23**, the claimed *"wherein the at least one predefined characteristic comprises one or more of a title keyword, a subject keyword, a genre, an artist, a time period, a media channel type, a mode, and/or a language"* is met by

Finseth et al. that teach the information included in an EPG, such as that presented to a first user for the requesting of a specific television program as in the system presented by Lu, can consist of program titles, channel names, channel numbers, channel icons, etc. (*col.9, lines 28-32*).

Claim **33** is met as previously discussed with respect to Claim **16**.

Claim **34** is met as previously discussed with respect to Claim **17**.

Claim **35** is met as previously discussed with respect to Claim **19**.

Claim **36** is met as previously discussed with respect to Claim **20**.

Claim **37** is met as previously discussed with respect to Claim **21**.

Claim **38** is met as previously discussed with respect to Claim **22**.

8. Claims **10 & 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Finseth et al. (US Patent No. 6,813,775)** in view of **Brown (US Patent No. 5,857,190)** as applied to Claims **1 & 24** above, and further in view of **Lu (US Patent No. 7,065,778)**.

With respect to Claims **10 & 32** the claimed *"keeping a record of the notifying; and the record being used by the second user to provide one or both of services and/or incentives to the first user"* is met in part by Finseth et al. that teach the storing by the 2nd user of the viewer preference information sent by a 1st user. Finseth et al. is silent with respect to the use of the record for services and/or incentives to the first user. However, in same field of endeavor, teaches a system in which a first user, PVR 200, sends a request for a specific television show to a 2nd PVR (200A, 200B), whereby the 2nd PVR stores the instructions and records the requested television show once it is

transmitted by a television content provider, head-end 308, and sends it either to a cache server or to the requesting PVR (*Abstract; Figs.3&4; col.14, lines 51-65*).

It would have been obvious to one skilled in the art to have combined the exchange of viewing preference information taught as taught by the Finseth et al. reference with that of system of receiving television programming being broadcasted in remote locations throughout the world as taught by the Lu reference in order to permit a more complete dissemination of viewing preference information. A person of ordinary skill in the art would have been motivated to have made such a modification to the Finseth et al. reference in order to allow for a wider audience enjoying the exchange of viewing preference information.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Thursday 9:00 am –7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/JORGE MENDOZA JR/
Examiner, Art Unit 2623**

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Supervisory Patent Examiner, Art Unit 2623**